

REMARKS

An Office Action was mailed on October 29, 2003. Claims 1-13 are pending.

Examiner's Amendment

Applicant appreciates and acknowledges the Examiner's amendment changing the dependencies of claims 6-9 to depend from claim 1.

DRAWINGS

The Examiner objected to the drawings because the "working unit" of claim 4 and the "spring device" of claim 7 has not been shown in the drawings. Responsive thereto, Applicant has amended Figure 1 to include a typical hydraulic or pneumatic type of a "drive unit" as currently set forth in claim 4. The term "working unit" resulted from an error in translation as such term only appears in claim 5, while the term -- drive unit -- appears throughout the specification and the remaining claims. Such drive unit is designated by reference number 31 and support for the addition of such number has been added to the specification for purposes of consistency. The Examiner is respectfully directed to the middle paragraph on page 4 of the specification for the illustration of a hydraulic or pneumatic drive unit in Figure 1. Applicant has also amended Figure 3 to include a spring device designated by reference number 30 for pre-tensioning rotary brush 24 into a position perpendicular to the working direction "A." The Examiner is respectfully directed to the amended paragraph beginning with "Sweeping" on page 8 of the specification for support for the additional illustration of the "spring device."

REJECTIONS UNDER 35 U.S.C. § 112

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, because "controller" and "drive unit" lack antecedent basis, while claims 2-4 and 7 are rejected under 35 U.S.C. §112, first paragraph. Applicant respectfully submits that all rejections related to claims 4 and 5 and the "working unit" are now moot in view of the amendments to the claims, specification and drawings. The hydraulic cylinder 31 illustrated in Figure 1 and discussed in the specification drives the linear movement of the belt 15 via the guide 21 and relative to a horizontal axis as

shown in Figures 1-2. The rejection relating to the "controller" has also been overcome by an appropriate claim amendment. Applicant also respectfully submits that the amendment to the specification and drawings now renders moot the rejection to claim 7 relating to the "spring device." Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 112.

PRIOR ART REJECTIONS

Claims 1, 9 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Kahlbacher (U.S. Patent 4,827,637). Claims 1, 6, 8 and 9 are also rejected under 35 U.S.C. §102(b) as being anticipated by Fisher (U.S. Patent 5,426,805). Claims 1, 6, 7 and 9 are also rejected under 35 U.S.C. §102(b) as being anticipated by Longshore et al. (U.S. Patent 2,149,453). Claims 1-4 are also rejected under 35 U.S.C. §102(b) as being anticipated by FR 2,297,286. The remaining claims are rejected under 35 U.S.C. §103(a) as being unpatentable over several of the cited §102(b) references.

First, Applicant has incorporated the limitation of claim 9 into all claims to clarify that the present invention is directed to a floor cleaning machine.

Second, Applicant has amended the claims to clearly define over the cited art of record. A key aspect of the present invention is that the working width of the floor-cleaning machine is variable so as to allow adapting it to the respective local situation (see page 1 of the specification). As a general proposition, some of the references cited by the Examiner do not at all address this particular aspect (e.g. Fisher '805). In order to more clearly distinguish the present invention over such prior art of minor relevance, the claims are now directed to a floor-cleaning machine with an undercarriage, at least one positionally fixed floor-cleaning unit and at least one positionally adjustable floor cleaning unit, the latter being attached to the undercarriage in such a way that it can pivot around a substantially vertical axis in order to vary the working width. Generally, the minimum working width is defined by the dimensions of the positionally fixed floor-cleaning unit, and augmentation of the working width of the floor-cleaning machine to the local situation is performed by varying the position of the additional, positionally adjustable floor-cleaning unit. In addition, the positionally adjustable floor cleaning unit can be

pivoted in two directions from its position corresponding to the maximum working width of the floor-cleaning machine to a position reduced therefrom. In addition, the positionally adjustable floor-cleaning unit is attached to the undercarriage of the floor-cleaning machine in a manner that allows to vary its inclination relative to a horizontal plane (see, for example, claim 8 and the second paragraph of page 7 of the specification). Thus, with reference to Figure 1 for example, adjustable unit (11) not only pivots along direction (B,C), but can vary in inclination along plane (14).

Thus, Applicant respectfully submits that the totality of the claimed invention as amended is neither taught nor reasonably suggested by any of the prior art of record. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited art clearly fails to teach or reasonably suggest a floor-cleaning machine operable along a working direction comprising an undercarriage, at least one positionally-fixed floor-cleaning unit, and at least one positionally adjustable floor-cleaning unit attached to the undercarriage such that said at least one positionally adjustable floor-cleaning unit pivots around a substantially vertical axis in order to vary a working width of said at least one positionally adjustable floor-cleaning unit, wherein the at least one positionally adjustable floor-cleaning unit can be pivoted in two directions from its position corresponding to a maximum working width in order to reduce the working width, and wherein the at least one positionally adjustable floor-cleaning unit is attached to the undercarriage in a manner that allows to vary its inclination relative to a horizontal plane, as required by the MPEP.

For instance, Kahlbacher does not relate to a floor-cleaning machine, but rather relates to an apparatus for clearing a road surface of snow and dirt. Further, Kahlbacher fails to teach or reasonably suggest the combination of at least one positionally fixed floor-cleaning unit and at least one positionally adjustable floor-cleaning unit, which is attached to the undercarriage of the floor-cleaning machine in such a way that it can pivot around a substantially vertical axis in order to vary the working width. Further, Kahlbacher clearly fails to teach or suggest a positionally adjustable floor-cleaning unit attached to the undercarriage of the floor-cleaning machine in a manner that allows to vary its inclination relative to a horizontal plane.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Kahlbacher.

Fisher '805 and Longshore '453 similarly also fail to teach or suggest the concept of a combination of at least one positionally fixed floor-cleaning unit and at least one positionally adjustable floor-cleaning unit, which is attached to the undercarriage of the floor-cleaning machine in such a way that it can pivot around a substantially vertical axis in order to vary the working width and that allows to additionally vary its inclination relative to a horizontal plane. Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejections in view of Fisher '805 and Longshore '453.

Furthermore, while FR '286 discloses a floor-cleaning machine having a combination of a positionally fixed floor-cleaning unit and at least one positionally adjustable floor-cleaning unit, which are attached to the undercarriage of the floor-cleaning machine in such a way that their position may be varied in order to vary the working width of the floor-cleaning machine, the two lateral brushes are not suspended at the undercarriage such that they can pivot around a respective substantially vertical axis. Rather each of the lateral brushes is suspended at the undercarriage by a four-bar linkage connection such that there is a specific lateral brush movement comprising in combination rotational as well as translational components. As illustrated in the FR '286 reference, the working width at the right hand side may be reduced by a movement of right hand lateral brush 7, that is a specific combination of a counterclockwise rotation and inside-rearward translation of frame 9. However, there is no pivoting about a vertical axis. The same applies for the left hand lateral brush. More importantly, however, FR

'286 fails to teach or reasonably suggest the claimed positionally adjustable floor-cleaning unit attached to the undercarriage of the floor-cleaning machine in a manner that allows to additionally vary its inclination relative to a horizontal plane. Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of FR '286.

Finally, the cited references clearly fail to teach or reasonably suggest the totality of the claimed invention, and in addition, the linear displacement of the positionally adjustable floor-unit of claim 1, as set forth in claims 2-4. Thus, with reference to Figure 1 of the present application, for example, adjustable unit (11) not only pivots along direction (B,C), but can vary in inclination along plane (14) and displace linearly along direction (D), as set forth in claims 2-4.

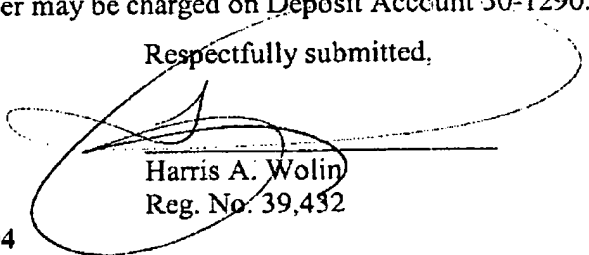
As claim 1 is believed to be allowable over the cited art, the claims rejected under 35 U.S.C. §103(a) as being unpatentable over several of the cited §102(b) references are believed to be allowable through dependency upon allowable base and intervening claims.

For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-8 and 10-13, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,


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